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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,870	08/21/2001	Masaki Tatemoni	83357.0001	9269

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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/934,870

Applicant(s)

TATEMORI ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by Johnson, U.S. Patent No. 5,675,609 (hereinafter Johnson).

Regarding claim 1, Johnson discloses an SSB (see SSB from column 9, line 29) radio (see column 2, line 34) communication system (see Figure 1) comprising:

amplitude modulating a carrier wave in a transmitting side (see Figure 2) by using modulating pulse signals (see pulse signal from abstract), wherein the modulation pulse signals comprise a constant amplitude (see amplitude from Figure 11),

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sine wave shaped (see sinusoidal from abstract) reference pulse signal having a predetermined width (see w from Figure 11) and period (see frequency/interval from Figure 11), and sine wave shaped modulation pulse signals having the same width (see w from Figure 11) as the reference pulse signal and amplitudes (see amplitude from Figure 11) representing two- or multi-value digital values based on the amplitude (see amplitude from Figure 11) of the reference pulse signal,

transmitting (see column 3, lines 60-65) the amplitude modulated signals on a single side band (see SSB from column 9, line 29), and

automatically adjusting gains (see column 10, lines 40-45) of receiving signals (see column 9, line 48) in a receiving side (24, 25 and 26 from Figure 1) which are values of peaks (see peak from column 11, line 68) of the received signals based on the reference pulse signal.

Regarding claim 2, see Figure 11.

Regarding claim 3, Johnson discloses a radio (see column 2, line 34) apparatus comprising:

a transmitting circuit (see Figure 2) for single side band communications (see SSB from column 9, line 29), and means for

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generating modulation inputs (see pulse generator from Figure 2), wherein said modulation inputs comprise a constant amplitude (see amplitude from Figure 11), sine wave shaped (see sinusoidal from abstract) reference pulse signal having a predetermined width (see w from Figure 11) and period (see frequency/interval from Figure 11), and sine wave shaped (see sinusoidal from abstract) modulation pulse signals having the same width (see w from Figure 11) as the reference pulse signal and amplitudes (see amplitude from Figure 11) representing two- or multi-value digital values base on the amplitude (see amplitude from Figure 11) of the reference pulse signal, wherein

said modulation inputs generated by the generating means (see pulse generator from Figure 2) are supplied to the transmitting circuit (see Figure 2) so as to amplitude modulate a carrier wave to transmit (see column 3, lines 60-65) the amplitude modulated signals through a single side band (see SSB from column 9, line 29).

Regarding claim 4, see Figure 11.

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Regarding claim 5, Johnson discloses a radio (see column 2, line 34) apparatus comprising:

an intermediate frequency amplifier (see 115 from Figure 10) for receiving communication signals carried on a single side band (see SSB from column 9, line 29), and for automatically controlling the gain of the received signals,

a demodulator (see demodulator from Figure 15) for demodulating the received signals based on a local carrier wave frequency, and

gain control means (see 113P from Figure 9) for automatically controlling the gain of said intermediate frequency amplifier (see 115 from Figure 10) such that a sine wave shaped (see sinusoidal from abstract) reference pulse signal, which is contained in the output signals of said intermediate frequency amplifier (see 115 from Figure 10), and which has a predetermined width (see  $w$  from Figure 11) and a predetermined period (see frequency/interval from Figure 11), is peak (see peak from column 11, line 68) detected so that its peak value becomes a predetermined value.

On the issue of claims 6 and 7, see columns 10-12

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***Response to Arguments***

3. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

***Allowable Subject Matter***

4. Johnson fails to teach the frequency obtained based on the frequency obtained by said amplitude detector means is mixed with the frequency of the output signal of said intermediate frequency amplifier, and the frequency representing the sum or difference there between is fed to said demodulator as a local carrier frequency wave. For this reason, claim 8 is allowed.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah  
Patent Examiner  
November 17, 2005

**OVIDIO ESCALANTE**  
**PATENT EXAMINER**

*Ovidio Escalante*